

REMARKS

Claims 1-26 are pending in the present application. Reconsideration of the restriction requirement is respectfully requested.

I. 35 U.S.C. § 121

The Office Action requires a restriction to one of the following sets of claims:

- I. Figure 3;
- II. Figure 4A
- III. Figure 4B
- IV. Figure 5
- V. Figure 6.

In response, Applicant respectfully traverses the restriction requirement and provisionally elects invention I. Applicant submits that claims 1, 3-11, 13-17, 20-23, 25, and 26 are readable on Figure 3, hence, the provisional election of Species I includes claims 1, 3-11, 13-17, 20-23, 25, and 26.

In traversing the restriction requirement, Applicant respectfully submits that Examiner has not shown a serious burden if no restriction is required. In the present case, though it is submitted that all claims are patentably distinct, many of the claims read on several of the Figures selected as different species by Examiner. For example, 1 reads:

1. A data storage library, comprising:
 - first and second arrays of storage cells, the storage cells in the first and second arrays being operable to receive data storage elements, the first and second arrays describing an interior space between at the first and second arrays; and
 - a third array of storage cells, the storage cells in the third array being operable to receive data storage elements, the third array being substantially located within the interior space;
 - wherein a robotic picker is translatable along a path, the path located within the interior space and comprising sections that pass adjacent to at least some of the arrays.

It is respectfully submitted that the elements of claim 1 are represented in Figures 3, 4A, 4B, 5, and 6. Hence, it is respectfully submitted that no serious burden would be imposed on Examiner if Figures 3, 4A, 4B, 5, and 6 were searched in the same examination process. Therefore, it is respectfully requested that the restriction requirement be withdrawn.

II. Conclusion

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 12-18-03

Respectfully submitted,



Patrick C. R. Holmes
Reg. No. 46,380
Carstens, Yee & Cahoon, LLP
P.O. Box 802334
Dallas, TX 75380
(972) 367-2001
Attorney for Applicants